

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JORDAN D. KNIPPLING,

Plaintiff,

vs.

SGT. MAGNUSON,

Defendant.

NO. CV-08-402-CI

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND ENTERING
JUDGMENT IN DEFENDANT'S FAVOR**

Magistrate Judge Imbrogno filed a Report and Recommendation on March 10, 2010, recommending Plaintiff's Motion for Voluntary Dismissal (Ct. Rec. [47](#)) without prejudice be denied and Defendant's construed Motion for Involuntary Dismissal with Prejudice (Ct. Rec. [55](#)) be granted. (Ct. Rec. [56](#).) In the alternative, the magistrate judge recommended Defendant's Motion for Summary Judgment (Ct. Rec. [30](#)) be granted and Plaintiff's complaint be dismissed with prejudice. Objections to the Report and Recommendation were due March 24, 2010. There being no objections to the Report and Recommendation and upon review, the Court **ADOPTS** the Report and Recommendation's analysis and rulings:

1. Plaintiff's Motion to Voluntarily Dismiss (Ct. Rec. [47](#)) is **DENIED**.

2. Defendant's Reply to the Court's Order to Show Cause (**Ct. Rec. 55**) is **CONSTRUED** as a Motion for Involuntary Dismissal with Prejudice and is **GRANTED**.

3. Defendant's Motion for Summary Judgment (**Ct. Rec. 30**) is **GRANTED**.

4. The Complaint is **DISMISSED with prejudice**.

5. The Clerk's Office is to enter **judgment** in Defendant's favor.

6. Each party is to bear their own costs.

7. This file shall be **CLOSED**.

8. An appeal of this matter will not be taken in good faith.

IT IS SO ORDERED. The District Court Executive shall forward copies of this Order to Plaintiff and counsel for Defendant.

DATED this 26th day of March 2010.

S/ Edward F. Shea
EDWARD F. SHEA
United States District Judge

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